



MAYOR AND COUNCIL AGENDA

NO. 9 DEPT.: Community Planning and Development Services

STAFF CONTACT: Somer Cross, Planner II

DATE PREPARED: 9/14/05

FOR MEETING OF: 9/19/05

SUBJECT: Adoption of resolution establishing up to a 6-month delay on construction, reconstruction, and alterations of detached single-family homes resulting in structures significantly larger than typical houses in the surrounding neighborhood.

RECOMMENDATION: Adopt the attached resolution.

DISCUSSION:

In response to growing concern by the Mayor and Council, and in the community, about inappropriately scaled residential development, staff presented a regulatory proposal on September 12, to address the concern. At that meeting, the Mayor and Council determined that the continuation of the current standards, and therefore the re-construction of much larger structures than previously existed, could have a damaging affect on each neighborhood's character and should be delayed. The Mayor and Council desired certain modifications to the proposed regulations and a resolution has been drafted as directed by the Mayor and Council.

This temporary measure will restrict certain development for a period of up to 6 months, during which time a zoning text amendment to address the concerns of over-sized houses will be processed. In addition, a number of policy discussions affecting the comprehensive zoning revision are to be presented to the Mayor and Council, which will address concerns related to over-sized houses.

This action will prohibit the Department of Community Planning and Development services from accepting, processing, approving, or taking any further action on any application for a permit for construction, reconstruction, or alteration activity that would result in a detached single-family residential structure that meets any of the following:

- Is 35' high or higher measured to the peak of the roof, from the street grade;
- Does not include an additional side yard setback of 2' for every 1' above 25' in height;
- Is greater than 25% in lot coverage;
- Will, when combined with other paving, structures, and other features reduce vegetative coverage to less than 50% of the lot; or
- Is located on a pipe stem lot.

Although the Mayor and Council has previously indicated a preference that height be measured from the lowest point of the lot, staff has concluded that such a standard is unworkable and impractical and could effectively deprive some property owners of the right to construct reasonably-sized housing. For legal and practical reasons staff is recommending that the height be measured from street grade, as that is currently determined under the Zoning Ordinance. The proposal does reflect the Mayor and Council's desire that height be measured to the roof peak, rather than the roof midpoint. An alternative measurement method the Mayor and Council may wish to consider is as follows: measuring the vertical distance from the average elevation of the finished grade along all sides of the building. Staff will describe this method at the meeting.

The proposed measure exempts permit applications previously filed that meet certain standards pertaining to the height, footprint, and total size of the resulting structure. It further exempts any application for construction activity in a single-family neighborhood that is subject to covenants and a binding architectural review process where it is demonstrated that the proposed construction has been approved under that process.

The resolution also authorizes the Board of Appeals to grant waivers upon a showing that the application of the restrictions will constitute an undue hardship to the property owner and the waiver could be granted without substantial impairment to the purposes and objectives of this temporary measure.

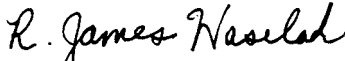
Staff further recommends that the Mayor and Council consider limiting the application of these restrictions to applications accepted after September 12, 2005.

PREPARED BY:



~~for~~ Somer Cross, Planner II

APPROVED BY:

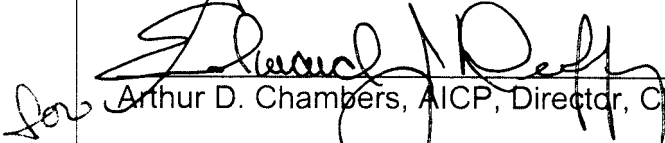


Jim Wasilak, Chief of Planning

9.16.05

Date

APPROVED BY:

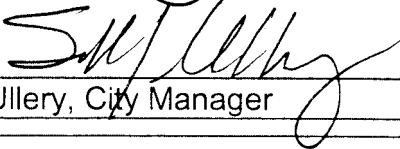

for

Arthur D. Chambers, AICP, Director, CPDS

9-16-05

Date

APPROVED BY:



Scott Ullery, City Manager

9/16/05

Date

LIST OF ATTACHMENTS:

1. Resolution.

Resolution No. _____

RESOLUTION: To establish a six-month moratorium on the acceptance, processing and approval of certain applications for permits for the construction, reconstruction, or alteration of detached single-family residential structures, and to provide for certain exceptions and waivers to the moratorium.

WHEREAS, the City of Rockville's varied and distinct residential neighborhoods possess a special character, manifested by a variety of architecture, open space, mature tree canopy in many neighborhoods, and feeling of community; and

WHEREAS, due to increasing development pressure, there has been increased construction activity in many of the City's established neighborhoods and a rise in applications to construct, reconstruct, or alter detached single-family houses in a manner that results in significantly larger structures than previously existed and/or larger than other existing houses in the surrounding neighborhood; and

WHEREAS, the construction, reconstruction, or alteration of detached single-family homes resulting in structures that are significantly larger in mass, footprint, and height than other typical houses in the neighborhood often block light and air to adjoining property, tower over adjoining residential structures, are out of place with and undermine the special feel and character of the neighborhood, increase stormwater run off, result in increased lot coverage with its attendant negative aesthetic and environmental impact, contribute to the loss of trees, green space, open space, privacy, and adversely affect the peaceful enjoyment and use of neighboring properties, all to the detriment of the best interests and general welfare of the City and its residents; and

WHEREAS, the Mayor and Council is considering measures that would address these concerns, including but not limited to (1) adoption of increased building setback requirements; (2) modifying standards for lot coverage and/or impervious area; (3) adoption of greater height limitations; and (4) prohibition on the use of pipestem lots; and

WHEREAS, the continued construction, reconstruction, or alteration of detached single-family houses, which during the pendency of these planning processes will result in substantially larger houses than typical in the neighborhood, is likely to cause further erosion of the special character of the City's diverse neighborhoods, negatively affect the quality of life of existing residents, and threaten to frustrate or prevent the City from effectively implementing appropriate measures to protect its neighborhoods and its residents; and

WHEREAS, the Mayor and Council has determined that this construction, reconstruction, and alteration activity does not present concerns for neighborhoods that have binding covenants and an architectural process to ensure compatibility of any proposed construction, reconstruction, or alteration of a detached single-family house with the surrounding neighborhood; and

WHEREAS, the Mayor and Council has determined that it is in the best interest, and serves the general welfare, of the City and its residents to impose a temporary moratorium on the issuance of permits for certain construction, reconstruction, and/or alteration of detached single-family houses in certain neighborhoods, as more specifically set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. There is hereby established a temporary moratorium on the acceptance, processing, and approval of any application for a permit for the construction, reconstruction, or alteration of a detached single-family residential house that results in a structure that has any of the following characteristics:

(a) is 35 feet or higher, measured from the street grade opposite the middle of the front of the building to the peak of the roof;

(b) does not provide an additional side yard setback of 2 feet for every 1-foot of structure above 25 feet in height;

(c) covers more than 25% of the lot;

(d) will, when combined with other paving, structures, and other features on the lot, reduce vegetative coverage to less than 50% of the lot; or

(e) is located on a pipe stem lot.

2. This moratorium does not apply to the following permit applications filed with the Department of Community Planning and Development Services as of the date of adoption of this resolution:

(a) Applications for reconstruction or alteration of a detached single-family residential house that result in structure that:

(i) does not exceed the height of the existing, or previously existing, house on the lot; and

(ii) does not increase the footprint of the existing, or previously existing, house by more than 500 square feet; and

(iii) does not increase the existing, or previously existing, house by more than 1,000 square feet.

(b) Applications for the construction of a new detached single-family house on a vacant residential lot where a house has not been located for the past 3 years that results in a structure that:

(i) does not exceed 35 feet in height, measured from the street grade opposite the middle of the front of the building to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; and

(ii) does not have a footprint that exceeds 1500 square feet; and

(iii) does not exceed a total of 2400 square feet in size.

3. This moratorium does not apply to permit applications for the construction, reconstruction, or alteration of a detached single-family house subject to neighborhood covenants and binding architectural review where it is demonstrated that approval under that review process has been obtained for the proposed construction, reconstruction, or alteration.

4. A waiver from the moratorium established herein may be granted by the Board of Appeals upon a finding that the application of the moratorium will constitute an undue hardship to the property owner and that the waiver could be granted without substantial impairment to the purposes and objectives of the temporary moratorium. A waiver request shall be made on forms provided by the Department of Community Planning and Development Services, and shall be heard and decided generally in accordance with the procedure for hearing and deciding variances.

5. The Department of Community Planning and Development Services is hereby directed not to accept, process, approve, or take any further action on any applications for a building permit or a single family development (“SFD”) permit for the construction,

reconstruction, or alteration of a detached single-family residential structure covered by the moratorium established by this resolution.

6. The moratorium established herein shall take effect immediately and remain in effect until March 19, 2006.

* * * * *

I hereby certify that the foregoing is a true and correct copy
of a resolution adopted by the Mayor and Council at its
meeting of

Claire F. Funkhouser, CMC, City Clerk